

107TH CONGRESS  
1ST SESSION

# S. 122

To prohibit a State from determining that a ballot submitted by an absent uniformed services voter was improperly or fraudulently cast unless the State finds clear and convincing evidence of fraud, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To prohibit a State from determining that a ballot submitted by an absent uniformed services voter was improperly or fraudulently cast unless the State finds clear and convincing evidence of fraud, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Armed Services Voting  
5       Rights Protection Act of 2001”.

1 **SEC. 2. STANDARD FOR INVALIDATION OF BALLOTS CAST**  
 2 **BY ABSENT UNIFORMED SERVICES VOTERS**  
 3 **IN FEDERAL ELECTIONS.**

4 (a) IN GENERAL.—Section 102 of the Uniformed and  
 5 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–  
 6 1) is amended—

7 (1) by striking “Each State” and inserting “(a)  
 8 IN GENERAL.—Each State”; and

9 (2) by adding at the end the following new sub-  
 10 section:

11 “(b) STANDARDS FOR INVALIDATION OF CERTAIN  
 12 BALLOTS.—

13 “(1) IN GENERAL.—A State may not refuse to  
 14 count a ballot submitted in an election for Federal  
 15 office by an absent uniformed services voter on the  
 16 grounds that the ballot was improperly or fraudu-  
 17 lently cast unless the State finds clear and con-  
 18 vincing evidence of fraud in the preparation or cast-  
 19 ing of the ballot by the voter.

20 “(2) CLEAR AND CONVINCING EVIDENCE.—For  
 21 purposes of this subsection, the lack of a witness sig-  
 22 nature, address, postmark, or other identifying in-  
 23 formation may not be considered clear and con-  
 24 vincing evidence of fraud (absent any other informa-  
 25 tion or evidence).

1           “(3) NO EFFECT ON FILING DEADLINES UNDER  
 2       STATE LAW.—Nothing in this subsection may be  
 3       construed to affect the application to ballots sub-  
 4       mitted by absent uniformed services voters of any  
 5       ballot submission deadline applicable under State  
 6       law.”.

7       (b) EFFECTIVE DATE.—The amendments made by  
 8       subsection (a) shall apply with respect to ballots described  
 9       in section 102(b) of the Uniformed and Overseas Citizens  
 10      Absentee Voting Act (as added by such subsection) that  
 11      are submitted with respect to elections that occur after  
 12      the date of enactment of this Act.

13   **SEC. 3. STUDY AND REPORT BY THE POSTAL SERVICE ON**  
 14                   **IMPROVING THE SUBMISSION OF ABSENTEE**  
 15                   **BALLOTS BY ABSENT UNIFORMED SERVICES**  
 16                   **VOTERS IN ELECTIONS FOR FEDERAL OF-**  
 17                   **FICE.**

18       (a) STUDY.—

19           (1) IN GENERAL.—The Postal Service shall  
 20       conduct a study to determine each reason for which  
 21       an absentee ballot of an absent uniformed services  
 22       voter (as defined in paragraph (1) of section 107 of  
 23       the Uniformed and Overseas Citizens Absentee Vot-  
 24       ing Act (42 U.S.C. 1973ff–6)) was not counted in

1 the general election for Federal office (as defined in  
2 paragraph (3) of such section) held in 2000.

3 (2) CONSULTATION.—In conducting the study  
4 under this subsection, the Postal Service shall con-  
5 sult with the head of the executive department des-  
6 ignated under section 101(a) of the Uniformed and  
7 Overseas Citizens Absentee Voting Act (42 U.S.C.  
8 1973ff), and the Secretaries of Defense, Transpor-  
9 tation, Commerce, and Health and Human Services.

10 (b) UNPOSTMARKED BALLOTS.—In conducting the  
11 study under subsection (a), if the Postal Service finds that  
12 a reason for which an absentee ballot was not counted is  
13 that the ballot was not postmarked, then the Postal Serv-  
14 ice shall—

15 (1) determine the reason that the ballot was not  
16 postmarked; and

17 (2) develop recommendations on ways to ensure  
18 that such ballots will be postmarked in the future.

19 (c) REPORT.—Not later than 120 days after the date  
20 of enactment of this Act, the Postal Service shall submit  
21 to Congress a report on the study conducted under sub-  
22 section (a) that contains—

23 (1) any reason determined under paragraph (1)  
24 of subsection (b) and any recommendations devel-  
25 oped under paragraph (2) of such subsection; and

- 1           (2) such recommendations for legislative or ad-
- 2           ministrative action as the Postal Service determines
- 3           appropriate.

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